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Kyung-Hun Jang

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27849 7590 01/29/2009

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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT

PAPER NUMBER

2441

MAIL DATE

DELIVERY MODE

01/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Claims 1-4, 15, and 17-20 were presented for examination and are rejected.

Response to Arguments

2. Applicant's arguments filed January 21st, 2009, have been fully considered but they are deemed not persuasive.

3. In the remarks, Applicant argued in substance that:

(A) The prior art of Gubbi does not teach controlling the data generation rate based on the multimedia loss rate as recited in the independent claims. Gubbi uses only the buffer state information to control a data generation rate. While Gubbi may disclose compensating for packet loss, this is not the same as calculating the multimedia data generation rate based on the multimedia data loss rate.

As to point (A), Gubbi teaches a method for controlling a multimedia rate in a system that includes a data generator and a wireless terminal (see col. 3, lines 23-44, abstract, and fig. 1). The multimedia data is generated and transmitted in real time based on a multimedia data generation rate (see, e.g., col. 4, lines 23-40 and col. 7, lines 15-23). Multimedia rate modification is used, inter alia, to mitigate the impact of

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“severe” network loss and error conditions on the transmission of multimedia data (see col. 5, lines 42-56).

Gubbi teaches the monitoring of transmission buffer state information and a multimedia loss data loss rate that are used in calculating the generation rate (Gubbi, col. 7, lines 14-23; col. 7, line 43 to col. 8, line 10; col. 8, lines 19-52; and see fig. 3). For example, Gubbi specifically teaches not only monitoring the standby information available in the buffer (see “high,” “normal,” and “low” of fig. 3), but monitoring the data loss rate (see, e.g., monitoring for “catastrophic” condition changes based on the severe network loss losses in col. 7, line 59 to col. 8, line 10). Further, as to the argument that multimedia network “packet loss” differs from the claimed “multimedia loss rate,” Applicant has failed to provide a persuasive reason why the claim language presents a more limited definition than that which would be met by the loss of a data packet in a packetized multimedia transmission system.

Claim Rejections - 35 USC § 102

4. The rejections under 35 U.S.C. 102(e) as applied to claims 1-4, 15, and 17-20 are unchanged and are recited in the previous FINAL office action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

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3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/NT/
Nicholas Taylor
Examiner
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